

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RAY GILE, derivatively on behalf of)	Case No. 1:20-cv-01615
VIEWRAY, INC.,)	
)	Judge J. Philip Calabrese
Plaintiff,)	
)	Magistrate Judge
v.)	William H. Baughman, Jr.
)	
DRAKE, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

On October 11, 2021, the parties filed a joint stipulation and request to defer this action through a ruling on the appeal in *Corwin v. Viewray, Inc.*, Case No. 1:19-cv-02115 (N.D. Ohio). (ECF No. 17.) The Court held a telephonic status conference on October 19, 2021, to discuss the parties' request and, in particular, to determine whether staying this derivative action made sense because this action raises some different claims than *Corwin* and because the appeal may take a year or more. On October 26, 2021, the parties filed a joint status report outlining their respective positions on deferring action in this case pending appeal in *Corwin*. (ECF No. 19.)

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North America Co.*, 299 U.S. 248, 254 (1936). Based on the discussion with the parties, and after consideration of their respective positions, the Court determines that the interests of judicial economy support staying action in this case to avoid duplicative litigation and to preserve the

parties' and the Court's resources. Accordingly, the Court **STAYS** this action pending entry of a final non-appealable order in *Corwin v. Viewray, Inc.* The Court **ORDERS** the parties to submit a joint status report no later than November 1, 2022.

SO ORDERED.

Dated: October 27, 2021

A handwritten signature in black ink, appearing to read 'J. Philip Calabrese', written over a horizontal line.

J. Philip Calabrese
United States District Judge
Northern District of Ohio